

an initial one-year freeze, the bill imposes caps on wage increases from year to year, limiting whether AEWR can truly reflect wages paid in the local labor market.

As a result of these changes to the AEWR, the majority of H-2A workers would see their wages actually go down, albeit modestly, while others would see the growth in their wages capped. I have opposed similar efforts proposed by the Trump Administration that would depress wages.

This year, I was pleased to lead House efforts to include an increase to the federal minimum wage in the House-passed American Rescue Plan (H.R. 1319). While those minimum wage provisions did not ultimately survive Senate budget reconciliation rules, I will continue to push for H.R. 603, the Raise the Wage Act, which would gradually raise the federal minimum wage to \$15 per hour by 2025. I am confident that in the next ten years, we will enact a meaningful increase in the federal minimum wage, boosting wages for workers across our nation—including farmworkers. However, I am concerned that H.R. 1603, Farm Workforce Modernization Act of 2021, will create artificial barriers to wage growth, or worse, lead to wage cuts, continuing to leave farmworkers relegated to low pay and economic insecurity.

Our country's wage and hour laws are designed to ensure that workers are guaranteed a fair day's pay for a fair day's work. But this right is only as strong as a worker's ability to hold employers accountable, especially in court. Unfortunately, this bill creates obstacles that may delay farmworkers' ability to access their day in court, when they have been victims of wage theft. While I welcome extending coverage of the Migrant and Seasonal Agricultural Worker Protection Act (MSPA) to H-2A workers, adding a mediation requirement to both the MSPA and the Fair Labor Standards Act (FLSA) is problematic. This bill enables employers to impose three months of mandatory mediation when an H-2A worker brings a civil suit under these laws, even if the worker does not consent to the mediation and wants his or her day in court. This undermines the voluntary nature of mediation and provides bad actors with an avenue for delaying or denying wage recovery. This delay could prove significant for farmworkers who may be in this country for a limited amount of time to participate in litigation. This is especially fraught given that, in contrast to MSPA, the FLSA provides for recovery of unpaid wages and liquidated, or double, damages and recovery of attorney's fees, plus costs. This provision may also pull domestic farmworkers or other visa classifications of workers into required mediation where there are collective or class actions, thereby undermining incentives for other workers to join with H-2A workers to seek redress.

Last Congress, I supported the passage of H.R. 1423, the FAIR Act, to ban forced arbitration in many areas, including employment, because it could delay or totally block workers' access to courts. We should promote legislation that protects workers' fundamental right to have their day in court, not delay it.

This bill denies newly legalized farmworkers and their families access to key social safety net programs. Denial of benefits that can promote economic stability, coupled with the bill's wage suppressing provisions, threatens to create a long-term pool of economically vulner-

able workers. While most of these individuals do not currently have access to these benefits due to their immigration status, leaving immigrant workers who are granted legal status under this legislation without access to social safety net programs establishes a dangerous precedent that access to health care and other basic necessities can be traded away for a path to legal status.

This legislation weakens the current recruitment and hiring standards for U.S. farmworkers. A reduction in employers' obligations to hire U.S. workers under this bill will undermine one of the core principles of the H-2A program: that H-2A workers should fill in gaps in the farm workforce that U.S. employers are truly unable to fill, rather than merely replacing U.S. workers that employers could attract with reasonable efforts. I raised concerns with similar efforts to modify recruitment standards by the Trump Administration in 2019.

Agricultural work is hazardous, and workers in this sector have few legal health and safety protections. Ensuring that H-2A workers and all farmworkers have safe, healthy working conditions is critical. I am pleased that this bill requires H-2A employers to maintain heat illness prevention plans and requires H-2A employers in the dairy industry to maintain workplace safety plans. However, as presently written, some provisions are ambiguous and would be difficult to enforce; other provisions have weak minimum requirements that would limit their value. As this legislation moves forward, I would urge the inclusions of stronger health and safety standards.

Strong labor protections are vital to protect both H-2A workers, who are vulnerable given their temporary status, and domestic farmworkers, whose employers may be disincentivized to provide employment. This is especially true given that farmworkers have historically been carved out of labor and employment laws, leaving these workers with fewer wage protections and rights to bargain for better working conditions.

While this bill does make some improvements in immigration law, I look forward to supporting a version of this bill that more accurately reflects strong labor standards.

The SPEAKER pro tempore. Pursuant to House Resolution 233, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

#### MOTION TO RECOMMIT

Mrs. FISCHBACH. Madam Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mrs. Fischbach moves to recommit the bill H.R. 1603 to the Committee on the Judiciary.

The material previously referred to by Mrs. FISCHBACH is as follows:

At the end of section 204(b), add the following:

(4) RIGHT TO CURE.—If an H-2A worker files a civil lawsuit alleging a violation under the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.), an agricultural employer may, not later than 5

days after receiving service of the complaint, file with the court documentation demonstrating that the action giving rise to the complaint has been remedied. The court may dismiss such complaint if satisfied that the complaint has been resolved.

The SPEAKER pro tempore. Pursuant to clause 2(b) of rule XIX, the previous question is ordered on the motion to recommit.

The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mrs. FISCHBACH. Madam Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. Pursuant to section 3(s) of House Resolution 8, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, further proceedings on this question are postponed.

Pursuant to clause 1(c) of rule XIX, further consideration of H.R. 1603 is postponed.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which the yeas and nays are ordered.

The House will resume proceedings on postponed questions at a later time.

#### PROTECT DEMOCRACY IN BURMA ACT OF 2021

Mr. MEEKS. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1112) to require a report on the military coup in Burma, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1112

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Protect Democracy in Burma Act of 2021".

#### SEC. 2. FINDINGS.

Congress finds the following:

(1) On March 14, 2005, the House of Representatives agreed to H. Res. 135, which established the House Democracy Assistance Commission (later changed to the House Democracy Partnership, hereafter referred to as "HDP") to work directly with parliaments around the world to support the development of effective, independent, and responsive legislative institutions.

(2) HDP approved a legislative strengthening partnership with Burma in 2016 and organized the first congressional delegation to meet with the new civilian-led government, led by State Counselor Aung San Suu Kyi, and civil society leaders in May 2016.

(3) On February 2, 2021, the U.S. Department of State assessed that Daw Aung San Suu Kyi, the leader of Burma's ruling party, and President Win Myint, the duly elected head of government, were deposed in a military coup on February 1, 2021.

(4) As part of the military coup, the Burmese military declared martial law, suspended the civilian-led government, and detained newly elected Members of Parliament